

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: \_\_\_\_\_

Meeting Type: Regular

Meeting Date: Dec 4, 2014

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Condemnation proceedings for the Knox Creek Sanitary Sewer Project.

Exact Wording for the Agenda:

Resolution authorizing condemnation proceedings to acquire a permanent, exclusive sanitary sewer easement on, over and upon a parcel of land for the Knox Creek Sanitary Sewer Extension Project.

Note: If amendment, Please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost: \_\_\_\_\_

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: \_\_\_\_\_

Date: 11.20.14

RESOLUTION NO. 14-\_\_\_\_\_

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, a municipal corporation within the State of Alabama, as follows:

1. That in the judgment and opinion of the City Council of the City of Huntsville, it is in the public interest and necessary and expedient that the City of Huntsville acquire and/or condemn a permanent, exclusive sanitary sewer easement on, over and upon the following described parcel of land, viz:

See Exhibit "A" which is attached hereto and incorporated herein, a copy of which is being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

A corresponding map depicting the parcel is attached hereto as Exhibit "B."

2. That the obtainment of the foregoing property is necessary for the Knox Creek Sanitary Sewer Extension Project, Project No. 65-14-SS10, which is in the best interests of the citizens of the City of Huntsville in that the same will contribute to the health and general welfare of the citizens of Huntsville.

3. That the Mayor of the City of Huntsville, be, and he is hereby authorized, empowered and directed to cause the above described property to be appraised in accordance with Section 18-1A-21 of the Code of Alabama, as amended, to determine the amount that would constitute just compensation for its taking.

4. That the Mayor of the City of Huntsville be, and he is further authorized, empowered and directed to attempt to acquire the above described property for the City for the aforesaid purposes at a fair and reasonable price in accordance with Section 18-1A-22 of the Code of Alabama, as amended.

5. That in case of failure to acquire said property for the purposes aforesaid by purchase from the owner or owners thereof, the Mayor is hereby authorized to engage Samuel H. Givhan, Attorney at Law, and the law firm of Wilmer & Lee, P.A., to file and conduct condemnation proceedings on behalf of the City of Huntsville for the acquisition of the property by the exercise of the right of eminent domain.

6. Any prior acts taken by the administration toward the acquisition of said property and/or any other properties related to this project, pursuant to the eminent domain code, are hereby ratified.

**ADOPTED** this the 4th day of December, 2014.

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President of the City Council  
City of Huntsville, Alabama

APPROVED this the 4th day of December, 2014.

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Tommy Battle  
Mayor of the City of Huntsville,  
Alabama



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**STATE OF ALABAMA  
MADISON COUNTY**

**CITY OF HUNTSVILLE, ALABAMA - KNOX CREEK SANITARY SEWER EXTENSION,  
SANITARY SEWER EASEMENT (SSE) ACQUISITION.**

**Reference Plat 1:**

I, Loyd W. Carpenter, a Professional Land Surveyor in the State of Alabama hereby certify that the foregoing is a true and accurate description of a tract of land lying and being in Section 20, Township 3 South, Range 2 West, of the Huntsville Meridian.

Said tract being a portion of the property conveyed to Brenda M. Kerley, Carol M. Kerstlens and Sharon M. Jones in Document Number 20110929000515470 as recorded in the Office of the Probate Judge of Madison County, Alabama, and being more particularly described as follows:

Commencing at a PK nail found at the center of Wall Triana Highway and the east boundary of Section 20, Township 3 South, Range 2 West of the Huntsville Meridian; thence along the centerline of said highway North 1 Degrees 18 Minutes 22 Seconds East a distance of 415.00 feet to a #5 rebar with a cap Stamped 'Garver LLC CA 445' (typical) set, said point being the Point of Beginning having establish grid coordinates of (N)1553508.23, (E)381002.43 of Zone East of the Alabama State Plane Coordinate System;

Thence leaving said centerline of highway and along the south boundaries of a proposed Sanitary Sewer Easement North 83 Degrees 31 Minutes 28 Seconds West a distance of 45.83 feet to a #5 rebar set; thence North 84 Degrees 21 Minutes 22 Seconds West a distance of 260.94 feet to a #5 rebar set; thence North 85 Degrees 03 Minutes 19 Seconds West a distance of 398.82 feet to a #5 rebar set; thence North 75 Degrees 26 Minutes 02 Seconds West a distance of 383.15 feet to a #5 rebar set; thence North 65 Degrees 29 Minutes 06 Seconds West a distance of 284.92 feet to a #5 rebar set; thence North 57 Degrees 56 Minutes 23 Seconds West a distance of 323.04 feet to a #5 rebar set on the west boundary of a tract of land conveyed to Brenda M. Kerley, Carol M. Kerstlens and Sharon M. Jones as recorded in Document Number 20110929000515470 in the Office of the Probate Judge of Madison County, Alabama; thence along said west boundary North 1 Degrees 26 Minutes 55 Seconds East a distance of 49.45 feet to a #5 rebar set on the north boundary of a proposed Sanitary Sewer Easement; thence along the north boundaries of said proposed easement South 65 Degrees 18 Minutes 42 Seconds East a distance of 604.44 feet to a #5 rebar set; thence South 81 Degrees 51 Minutes 15 Seconds East a distance of 333.02 feet to a #5 rebar set thence South 41 Degrees 35 Minutes 52 Seconds East a distance of 64.82 feet to a #5 rebar set; thence South 85 Degrees 03 Minutes 18 Seconds East a distance of 654.02 feet to a #5 rebar set; thence South 78 Degrees 42 Minutes 45 Seconds East a distance of 40.49 feet to a #5 rebar set; thence South 1 Degrees 18 Minutes 22 Seconds West a distance of 29.99 feet to the POINT OF BEGINNING.

The above described tract contains 1.40 acres (60930.23 sq. ft.)

At according to my survey this the 6<sup>th</sup> day of August, 2014

Loyd W. Carpenter, PLS  
Alabama License No. 26012



